

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

RICHARD JACK HIBBS,

Defendant.

Case No. CR05-23-JLR

**PROPOSED FINDINGS OF FACT  
AND DETERMINATION AS TO  
ALLEGED VIOLATIONS OF  
SUPERVISED RELEASE**

INTRODUCTION

I conducted a hearing on alleged violations of supervised release in this case on April 20, 2010. The defendant appeared pursuant to a warrant issued in this case. The United States was represented by Susan Roe, and defendant was represented by Daron Morris. Also present was U.S. Probation Officer Anglea McGlynn. The proceedings were digitally recorded.

SENTENCE AND PRIOR ACTION

Defendant was sentenced on August 8, 2005 by the Honorable James L. Robart for Conspiracy to Distribute Methamphetamine. He received 60 months of detention and 5 years of supervised release. Mr. Hibbs was originally released from custody on July 17, 2009, and began a 5 year term of supervised release. On March 1, 2010, Mr. Hibbs was sentenced to 9 days detention after admitting to supervised release violations including failing to report as directed,

PROPOSED FINDINGS OF FACT AND DETERMINATION AS  
TO ALLEGED VIOLATIONS OF SUPERVISED RELEASE - 1

1 using methamphetamine, and possession of drug paraphernalia. In addition, he was sentenced to  
2 serve 57 months supervised release with the following special conditions; prohibition of  
3 firearms; mandatory drug testing; alcohol abstinence; substance abuse treatment; search; and  
4 mental health treatment.

5 PRESENTLY ALLEGED VIOLATIONS

6 In a petition dated April 8, 2010, Supervising U.S. Probation Officer Calvin K. Bourn, Jr.  
7 alleged that defendant violated the following conditions of supervised release:

- 8 1. Using methamphetamine on or before March 16, and April 9, 2010 in violation of  
9 standard condition No. 7.
- 10 2. Failing to report for urine testing as directed on or about March 15, and April 8,  
11 2010, in violation of the special condition requiring the defendant to report for urinalysis testing  
12 as directed.
- 13 3. Failing to participate in a substance abuse treatment program as directed since  
14 March 29, 2010, in violation of the special condition requiring the defendant to participate in a  
15 substance abuse treatment program as directed by U.S. Probation.

16 FINDINGS FOLLOWING EVIDENTIARY HEARING

17 Defendant admitted to violations 1 and 2. The government withdrew violation 3.  
18 Defendant waived any hearing as to whether they occurred, and was informed the matter would  
19 be set for a disposition hearing April 30, 2010 at 10:00 a.m. before District Judge James L.  
20 Robart.

21 RECOMMENDED FINDINGS AND CONCLUSIONS

22 Based upon the foregoing, I recommend the court find that defendant has violated the

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1 conditions of his supervised release as alleged above, and conduct a disposition hearing.

2 DATED this 20<sup>th</sup> day of April, 2010.

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6 BRIAN A. TSUCHIDA  
7 United States Magistrate Judge  
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